

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATHAN SMITH, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-12-469
§
THE STATE OF TEXAS, et al., §
§
Defendants. §

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation entered on October 26, 2012, and the objections thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is, therefore, **ORDERED** that the Memorandum and Recommendation is hereby **ADOPTED** by this court.

The court also agrees with the Magistrate Judge that Plaintiff has repeatedly exhibited a refusal to comply with the final judgments and orders of the court, thereby unnecessarily expending the resources of the parties and the court, and is unlikely to be deterred by lesser alternative sanctions given the disregard with which he holds the court's judgments and orders. The court believes that an order precluding Plaintiff from continuing to litigate the issue of his property interest in the alleged shipwreck under any legal theory is appropriate under the circumstances presented. A preclusion order will be separately entered.

The Clerk shall send copies of this Order to the respective parties.

SIGNED at Houston, Texas, this 16th day of November, 2012.



SIM LAKE
UNITED STATES DISTRICT JUDGE